

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

**SAMYDASS M.
KRISHNAMOORTHY,**

Petitioner,

v.

JEH JOHNSON et al.,

Respondents.

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EP-15-cv-157-KC

ORDER

On this day, the Court considered Respondents’ Motion to Dismiss (“Motion”), ECF No. 6, in the above-captioned case (the “Case”). For the reasons that follow, the Motion is **GRANTED.**

On May 28, 2015, Samydass M. Krishnamoorthy (“Petitioner”) filed his Petition for Writ of Habeas Corpus and Release from Detention (“Petition”), ECF No. 1, pursuant to 28 U.S.C. § 2241, *et seq.* By the Petition, Petitioner alleged that he was being unlawfully detained in the wake of an immigration judge’s final removal order requiring him to be deported to his home country of Malaysia, and sought an order “granting [his Petition] and releasing petitioner under an order of supervision.” *See* Pet. ¶ 6. After reviewing the Petition, the Court ordered Respondents to file a response by no later than July 28, 2015. *See* May 29, 2015, Order, ECF No. 3. The Court further stated that “Petitioner may file a reply, provided it is filed no later than fourteen (14) days after the date of service of the Respondents’ responsive pleading.” *Id.*

On July 14, 2015, Respondents filed the instant Motion. By the Motion, Respondents argue that Petitioner’s claims are moot because he was released from custody pursuant to an

Order of Supervision on June 12, 2015. *See* Mot. 4. Respondents attached documentation supporting their contention that Petitioner was no longer in United States custody. *See* Decl. of Juan M. Munoz ¶ 3, ECF No. 6-1; June 12, 2015, Order of Supervision, ECF No. 6-1. Petitioner did not file a response to the Motion within the fourteen days required by the Court's May 29, 2015, Order, or the Federal Rules of Civil Procedure.

Because Petitioner is no longer in United States custody, the Court agrees with Respondents that Petitioner's claim is now moot. *See, e.g., Ortiz v. Chandler*, 845 F.2d 573, 573 (5th Cir. 1988) (holding that alien's appeal from denial of his habeas corpus petition was moot where alien requested and was granted deportation during the pendency of the appeal).

Accordingly, **IT IS ORDERED** that Respondents' Motion, ECF No. 6, is **GRANTED**.

The Clerk shall close the Case.

SO ORDERED.

SIGNED this 29th day of July, 2015.



KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE